

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address	FOR COURT USE ONLY
<div><input type="checkbox"/> <i>Individual appearing without attorney</i></div> <div><input type="checkbox"/> <i>Attorney for:</i></div>	

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
DIVISION**

In re:

**NOTICE OF MOTION AND MOTION
IN INDIVIDUAL CASE FOR ORDER
CONFIRMING TERMINATION OF
STAY UNDER 11 U.S.C. § 362(c)(3)
OR THAT NO STAY IS IN EFFECT
UNDER 11 U.S.C. § 362(c)(4)(A)(ii)
(with supporting declarations)**

Debtor(s).

(MOVANT: _____)

movant, if the motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this motion.

b. ☐ This motion is being heard on SHORTENED NOTICE. If you wish to oppose this motion, you must appear at the hearing.

(1) ☐ Opposition to the motion may be made orally at the hearing

(2) ☐ Any written response or evidence must be filed and served:

☐ at the hearing ☐ at least ____ days before the hearing

(A) ☐ An Application for Order Setting Hearing on Shortened Notice was not required (according to the calendaring procedures of the assigned judge).

(B) ☐ An Application for Order Setting Hearing on Shortened Notice was filed per LBR 9075-1(b) and was granted by the court, and such application and order have been or are being served upon the debtor(s), trustee, and parties in interest.

(C) ☐ An Application for Order Setting Hearing on Shortened Notice has been filed and remains pending. Once the court has ruled on that Application, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

4. You may contact the clerk's office or use the court's website (www.cacb.uscourts.gov) to obtain a copy of an approved court form for use in preparing your response (*Optional Court Form F 4001-1.RESPONSE*), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.

If you fail to file a written response to the motion or fail to appear at the hearing, the court may treat such failure as a waiver of your right to oppose the motion and may grant the requested relief.

Date:

Print Law Firm Name (if applicable)

Print Name of Individual Movant or Attorney for Movant

Signature of Individual Movant or Attorney for Movant

**MOTION IN INDIVIDUAL CASE FOR ORDER CONFIRMING TERMINATION OF STAY OR THAT
NO STAY IS IN EFFECT**

1. Case History:

- a. ☐ A voluntary ☐ An involuntary petition concerning an individual(s) under chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed concerning the present case on *(specify date)*:
- b. One or more single or joint bankruptcy cases filed by or against this debtor were pending within the year preceding the petition date in this case. These cases and the reasons for dismissal are:

1) Case Name: _____ Location where filed: _____
Case Number: _____ Chapter: _____
Date Filed: _____ Date Dismissed: _____
Reason for Dismissal: _____

2) Case Name: _____ Location where filed: _____
Case Number: _____ Chapter: _____
Date Filed: _____ Date Dismissed: _____
Reason for Dismissal: _____

☐ See attached continuation page

2. Grounds for Order:

- a. ☐ Under 11 U.S.C. § 362(c)(3):
- 1) A single or joint case filed by or against the debtor was pending but dismissed within the year preceding the petition date in this case;
 - 2) The dismissed case was not a case refiled under a chapter other than chapter 7 following dismissal under 11 U.S.C. § 707(b); and
 - 3) Thirty days have elapsed since the filing of the petition in the above-entitled case and no order has been entered continuing the stay.
- b. ☐ Under 11 U.S.C. § 362(c)(4)(A)(ii):
- 1) Two or more single or joint cases filed by or against the debtor were pending but dismissed within the year preceding the petition date in this case; and
 - 2) None of the dismissed cases was refiled under a chapter other than chapter 7 after dismissal under 11 U.S.C. § 707(b).

3. Evidence in Support of Motion: (Important Note: Declaration(s) in support of the Motion MUST be attached hereto.)

- a. ☐ Movant requests that the court take judicial notice of the proceedings in the present case and the proceedings in each of the prior cases.
- b. ☐ Other evidence *(specify)*:

4. ☐ An optional Memorandum of Points and Authorities is attached to this motion.

WHEREFORE, Movant prays that this court issue an order *(specify forms of relief requested)*:

1. ☐ Confirming under 11 U.S.C. § 362(c)(3) that the automatic stay has been terminated with respect to the debtor.
2. ☐ Confirming under 11 U.S.C. § 362(c)(4)(A)(ii) that no stay was ever in effect in this case.
3. ☐ For other relief requested, see attached continuation page.

Date: _____

Respectfully submitted,

Movant Name

Firm Name of Attorney for Movant (if applicable)

By: _____
Signature

Name: _____
Typed Name of Individual Movant or Attorney for Movant

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document described as **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CASE FOR ORDER CONFIRMING TERMINATION OF STAY UNDER 11 U.S.C. § 362(c)(3) OR THAT NO STAY IS IN EFFECT UNDER 11 U.S.C. § 362(c)(4)(A)(ii)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and LBR(s), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service information continued on attached page

II. SERVED BY UNITED STATES MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On _____ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date

Type Name

Signature